

Amendment No. 1 to SB3927

Harper
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3927

House Bill No. 4028*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-102-143, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any person, association or corporation supplying electrical energy to any new installation shall have an electrical inspection approval from an authorized electrical inspector or agency before electric service is connected to the installation on a permanent basis.

(b) The maintaining of a safe electrical installation shall not be the responsibility of the power distributor beyond its service drop or service lateral connection to the customer's or member's service conductor.

(c) On or after January 1, 2007, all electrical inspectors shall be required to be certified by the state fire marshal.

(d)

(1) An application for certification shall be submitted to the state fire marshal's office on a form to be developed by the state fire marshal. The application shall be accompanied by a certification fee as set by the state fire marshal.

(2) The minimum requirements for certification as an electrical inspector are the following:

(A) Possession of a high school diploma or GED certificate;

(B) Previous practical experience consisting of at least five

(5) years in electrical installation or inspection; and

(C) Proof of having passed a national certification examination prescribed by the state fire marshal in either Electrical One- and Two- Family Dwellings or Electrical General or both.

(e) Certification as an electrical inspector shall be valid for a period of three (3) years from the date of issuance. The state fire marshal shall provide each certificate holder with a recertification application form at least sixty (60) days prior to the expiration of the certificate.

(f) Each application for recertification must be accompanied by a recertification fee as set by the state fire marshal. Such fee shall be reasonably related to the cost of maintaining certification and shall not be set at a level that would discourage compliance. All certificates shall be subject to late recertification for a period of sixty (60) days following their expiration date by payment of the prescribed fee, plus a penalty as set by the state fire marshal.

(g)

(1) The state fire marshal may revoke, suspend, or refuse to issue or renew the certification of any electrical inspector who does not properly enforce the provisions of this chapter, and may assess a civil penalty in an amount not to exceed one thousand dollars (\$1000) for each violation of this chapter or the rules promulgated hereunder. The provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, govern all matters and procedures respecting the hearing and judicial review of any contested case, as defined therein, arising under this chapter.

(2) In addition to any other penalty under law, any electrical inspector who knowingly fails to enforce the provisions of this chapter, and such intentional failure poses an immediate danger to the life, safety or welfare of another, commits a Class B misdemeanor.

(h) Each certificate holder shall be issued a card designating that the holder is qualified to perform inspections pursuant to the provisions of this chapter. Each certificate holder shall carry such card in such certificate holder's possession wherever such certificate holder is performing inspections pursuant to this chapter. The certificate card shall be exhibited upon request of the owner or representative of the owner of the premises to be inspected.

(i) Electrical inspectors shall be authorized to charge for and receive a reasonable fee for each inspection. Electrical inspectors shall be required to develop and maintain a price list, detailing costs of the particular services they provide, to be submitted to the state fire marshal at the time of initial certification, at any time when changes are made to the price list, and upon request by the state fire marshal.

(j) An electrical inspector shall not conduct inspections on any installations made by the inspector or any of the inspector's immediate family. If an electrical inspector conducts any inspections on an installation made by the inspector or a member of the inspector's family, the same shall be grounds for disciplinary action pursuant to subsection (g) of this section.

(k) As a prerequisite to renewal, electrical inspectors shall be required to attend and successfully complete sixteen (16) hours of continuing education approved by the state fire marshal.

SECTION 2. Tennessee Code Annotated, Section 68-102-153(a), is amended by deleting the language "who contracts with the state".

SECTION 3. Tennessee Code Annotated, Section 68-221-414(a), is amended by deleting the language "employed by or under contract with the department of commerce and insurance," and by substituting instead the language "duly certified to conduct such inspections".

SECTION 4. For purposes of effectuating the intent of this act, the state fire marshal is authorized to promulgate rules by public necessity pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 5. This act shall take effect immediately upon becoming law for the purposes of rulemaking and shall take effect on January 1, 2007, for all other purposes, the public welfare requiring it.